

# EXHIBIT

# 60

1 GIBSON, DUNN & CRUTCHER LLP  
2 Randy M. Mastro, Esq.  
3 200 Park Avenue  
New York, New York 10166  
Telephone: (212) 351-4000

4 Attorneys for Anna Strasberg, Administratrix C.T.A.

5  
6 SURROGATE'S COURT  
7 COUNTY OF NEW YORK

8  
9 ACCOUNTING BY  
10 ANNA STRASBERG  
11 AS ADMINISTRATRIX C.T.A.  
12 of the ESTATE OF MARILYN MONROE,

13 Deceased

FILE NO. P2781/1962

PETITION FOR JUDICIAL SETTLEMENT  
OF FINAL ACCOUNT OF  
ADMINISTRATRIX C.T.A. AND FOR AN  
ORDER AUTHORIZING PETITIONER TO  
1) EXECUTE LIMITED LIABILITY  
AGREEMENT;  
2) ESTABLISH AND OPERATE LIMITED  
LIABILITY COMPANY;  
3) USE ESTATE ASSETS TO ESTABLISH  
LIMITED LIABILITY COMPANY;  
4) DISTRIBUTE INTERESTS TO  
RESIDUARY BENEFICIARIES;  
5) FOR ORDER VACATING ORDER TO  
COMPEL FIDUCIARIES TO ACCOUNT;  
AND, 6) DISCHARGE OF PRIOR  
EXECUTOR

21 TO THE SURROGATE'S COURT OF THE COUNTY OF NEW YORK:

22 1. The petition ("Petition") of Anna Strasberg  
("Petitioner"), residing at 135 Central Park West, New York, New  
24 York respectfully states:

25 2. The decedent, Marilyn Monroe, ("Decedent") died on  
26 August 5, 1962, and at the time of her death was a resident of the  
27 Borough of Manhattan, City, County and State of New York. A copy of  
28 the decedent's Will is attached hereto as Exhibit 1.

1       3. Decedent's Will dated January 14, 1961 was admitted to  
 2 probate and Letters Testamentary were issued to Aaron R. Frosch by  
 3 the Surrogate's Court of New York County, New York on October 30,  
 4 1962. Aaron R. Frosch having died, Letters of Administration C.T.A.  
 5 were issued to Petitioner by the Surrogate's Court of New York  
 6 County, New York on July 21, 1989.

7       5. The Petitioner presents and renders herewith, a verified  
 8 account of Petitioner's proceedings in this estate, for the period  
 9 from July 20, 1989 to October 3, 2000, showing the gross value of  
 10 assets, including principal and income, to be the sum of \$1,470.44.  
 11 The prior executor's account ending April 29, 1989 showed an ending  
 12 property on hand figure of \$33,904.18 in cash and Miscellaneous  
 13 Royalty Interests (Intellectual Property Rights) in an undetermined  
 14 value. Petitioner is informed and believes that the only account  
 15 activity which occurred from April 29, 1989 until her appointment as  
 16 Successor Administratrix C.T.A. on July 21, 1989 was interest earned  
 17 on the estate's cash assets in the sum of \$469.48, which is  
 18 reflected in Schedule A in the Accounting filed herein.

19       5. An order was entered in this Court on January 20, 1970  
 20 fixing and assessing the estate tax due. Petitioner believes the  
 21 estate taxes with respect to this estate were paid in full. The  
 22 statutory period for payment of estate taxes has expired.

23       6. The rendering of such account at this time is proper  
 24 because seven months have elapsed since letters were issued to  
 25 Petitioner.

26       7. Marjorie M. Frosch, in her capacity as Executor of the  
 27 Estate of Aaron R. Frosch, stated in her Petition for An  
 28 Intermediate Voluntary Accounting, filed in this proceeding and

1 approved by decree issued January 17, 1991, that Aaron R. Frosch  
 2 satisfied in full, as verified in Schedule J of the accounting filed  
 3 with her Petition, the specific pecuniary bequests and the bequest  
 4 of personality under Clause FOURTH of Decedent' Will, the sum of  
 5 \$40,000.00 to May Reis under Clause SIXTH of Decedent's Will, and  
 6 further satisfied in full the bequest under Clause FIFTH of the  
 7 Decedent's Will, as amended by agreement and settlement among the  
 8 concerned parties. All other bequests having been satisfied in  
 9 these proceedings, the only parties now entitled to a share of the  
 10 remaining residue of the estate are the Estate of Lee Strasberg, as  
 11 to 75%, and the Anna Freud Centre (as beneficiary under the Will of  
 12 Dr. Marianne Kris), as to 25%.

13       8. The names and addresses of all persons and parties  
 14 interested in this proceeding who are required to be cited under the  
 15 provisions of Surrogate's Court Procedure Act §2210, or otherwise,  
 16 or concerning whom or which the Court is required to have  
 17 information, are set forth below. Also see Schedule G of Accounting  
 18 filed herein.

19 <u>Name</u>	20 <u>Interest</u>	21 <u>Address</u>
22                  Anna Strasberg Executrix, Estate of Lee Strasberg, Deceased (Beneficiary, Adult)	23                  75% Residue	24                  135 Central Park West New York, NY 10023
25                  The Anna Freud Centre (Beneficiary, Organization)	26                  25 % Residue	27                  21 Maresfield Gardens Hampstead, London NW3 5SD England
28                  Anton O. Kris, MD Co-Executor, Estate of Dr. Marianne Kris (Interested party, Adult)	29                  None	30                  37 Philbrick Road Brookline, Mass 02146

1	Anna K. Wolff, MD Co-Executor, Estate of Dr.	None	10 Channing Street Cambridge, Mass. 02138
2	Marianne Kris (Interested party, Adult)		
3	The Attorney General of the State of New York (Government Agency)	On behalf of The Anna Freud Centre	120 Broadway New York, NY
4	Continental Insurance Co. (Surety bond holder)	None	Surety Dept. 39 Broadway #620 New York, NY 10006
5	Stroock, Stroock & Lavan	None, Attorneys for Marjorie M. Frosch, Executrix of the Estate of Aaron R. Frosch	180 Maiden Lane New York, NY 10038

9. There are no persons interested in this proceeding other than those herein above mentioned, all of said above mentioned persons are of sound mind; and all are of full age.

10. No prior application has been made to this or any other court for the relief requested in this Petition.

11. During the period of this account Petitioner has received income receipts, as set forth in Schedule A-2 of the Accounting filed herein, from the decedent's participation rights in motion pictures and royalties from the licensing of the decedent's name, likeness and signature ("Intellectual Property Rights"). Petitioner has made periodic distributions, as set forth in Schedule E of the Accounting, of the balance of the estate funds after payment of expenses, as set forth in Schedule C of the Accounting, in shares of 75% to the Estate of Lee Strasberg and 25% to the Anna Freud Centre.

12. The Petitioner also requests the Court to authorize her to establish a limited liability company to hold the Intellectual Property Rights and to distribute pro rata interests in the limited liability company to the residuary beneficiaries of the estate.

1 states that "the court having jurisdiction of the estate... may  
2 authorize the fiduciary to exercise any other power which in the  
3 judgment of the court is necessary for the proper administration of  
4 the estate or trust." Thus, the powers enumerated by EPTL  
5 Section 11-1.1(b) are not exclusive, and the court has the authority  
6 to grant the Petitioner the power to establish such a company to  
7 hold estate property. Distribution in kind of interests in the  
8 limited liability company is permissible under Section 2216 of the  
9 Surrogate's Court Procedure Act.

10 14. There are several reasons why it would be appropriate and  
11 in the best interests of the estate and beneficiaries to authorize  
12 the Petitioner to form a limited liability company and distribute  
13 interests in the limited liability company to the residuary  
14 beneficiaries. First, coordinated management of the Intellectual  
15 Property Rights would be maintained. It would not be practical, and  
16 perhaps would not even be possible, to divide the intellectual  
17 Property Rights between the beneficiaries, and it certainly would  
18 not be efficient or to the benefit of the beneficiaries to do so.  
19 Second, after distribution of the limited liability company  
20 interests it would be possible to close the estate, which has now  
21 been open for almost 40 years. In addition to the obvious benefits  
22 resulting from distributing the assets and closing the estate, there  
23 are also clear disadvantages resulting from keeping the estate open:  
24 additional, unnecessary costs would be imposed on the beneficiaries;  
25 the court's docket would be burdened with a case that could be  
26 closed; and the estate and the beneficiaries would remain vulnerable  
27 to unmeritorious, "crank" claims, because of the unique celebrity  
28

status of the Decedent. Third, unless the Petitioner is authorized to exercise the powers requested herein, there is every reason to believe that the estate will not be closed in the foreseeable future. Distribution of the Intellectual Property Rights would continue to remain impractical and the estate would remain open to more crank claims. Fourth, utilizing a limited liability company structure will afford the beneficiaries some measure of protection from crank claims.

15. On December 31, 1990, this court entered a decree which, among other things, ordered that administration of the estate was to continue as long as the estate maintained an agency agreement with terms and conditions substantially similar to the agency agreement then in effect. The agency agreement now in effect with CMG Worldwide is substantially similar to the agency agreement in effect on December 31, 1990. However, as set forth above, Petitioner believes that it would be in the best interest of the estate and beneficiaries to close the estate proceedings and distribute the remaining assets as set forth herein.

16. The consents of the residuary beneficiaries are attached hereto as Exhibits 2 and 3 and are incorporated herein by this reference.

17. Attached hereto as Exhibit 4 and incorporated herein by this reference, is a form of limited liability company agreement that Petitioner proposes to use as the governing agreement for the limited liability company. Under the proposed limited liability company agreement, Petitioner would be the sole initial member. Subsequently, the Petitioner and the residuary beneficiaries would execute a supplement to the agreement (a copy of the proposed

1 supplement is attached hereto as Exhibit 5 and incorporated herein by this reference), which would make the residuary beneficiaries  
 2 by this reference), which would make the residuary beneficiaries  
 3 75%/25% owners of the entire company. A proposed form of assignment  
 4 from the Petitioner to the residuary beneficiaries is attached  
 5 hereto as Exhibit 6 and incorporated herein by this reference. In  
 6 order properly to establish and operate the company, it will also be  
 7 necessary, among other things, to obtain a taxpayer identification  
 8 number, file a certificate of formation, a proposed form is attached  
 9 hereto as Exhibit 7, and file appropriate documents in states other  
 10 than Delaware in which the company does business. Petitioner  
 11 requests authorization to execute such documents.

12 18. The Petitioner also requests the Court to authorize her to  
 13 use funds of the estate to establish the limited liability company,  
 14 and to register and qualify it in appropriate jurisdictions. After  
 15 distribution of the limited liability company interests to the  
 16 residuary beneficiaries, the costs of maintaining the company will  
 17 be borne on a pro rata basis by the residuary beneficiaries.

18 19. Pursuant to this court's Decree Approving Attorney's fees  
 19 and Other Related Matters filed October 31, 1990, Petitioner is to  
 20 receive no commissions as Administratrix C.T.A.

21 20. On June 25, 1990 this court issued an Order to Compel  
 22 Fiduciaries to Account, attached hereto as Exhibit 8, directing that  
 23 Marjorie M. Frosh, as Executrix of the Estate of Aaron R. Frosh,  
 24 file and judicially settle a final accounting with respect to the  
 25 Estate of Marilyn Monroe; and further ordered that Anna Strasberg,  
 26 Administratrix C.T.A. file and judicially settle an intermediate  
 27 accounting for the period from July 20, 1989 through May 31, 1990.  
 28 On August 2, 1990, attorneys for Marjorie M. Frosh, Anna Strasberg,

1 The Anna Freud Center, and for Anton O. Kris and Anna Kris' Wolfson  
 2 Executors of the Estate of Marianne Kris executed a Stipulation on  
 3 behalf of their clients, a copy of which is attached hereto as  
 4 Exhibit 9, wherein the parties requested that the Court vacate the  
 5 Order to Compel Fiduciaries to Account of June 25, 1990.

6 Petitioner, after a search of the court records, can find no  
 7 evidence that an order vacating the Order to Compel Fiduciaries to  
 8 Account has been executed by this court. Schedule A of Petitioner's  
 9 account filed in these proceedings details the only transactions,  
 10 consisting solely of interest earned on estate assets Marjorie M.  
 11 Frosch transferred to Petitioner immediately following her  
 12 appointment as Administratrix C.T.A. on July 21, 1989, that occurred  
 13 after the end of Marjorie M. Frosch's intermediate account on April  
 14 29, 1989 through July 20, 1989. Petitioner's account further  
 15 includes all transactions that occurred from July 20, 1989 to  
 16 October 3, 2000. Because all estate account activity between April  
 17 29, 1989 and October 3, 2000 has been reported in the account filed  
 18 herein, Petitioner requests that this court vacate the Order to  
 19 Compel Fiduciaries to Account of June 25, 1990. Petitioner's  
 20 Receipt and Release as Administratrix C.T.A. acknowledging receipt  
 21 of estate assets from Marjorie M. Frosch, is attached hereto as  
 22 Exhibit 10.

23 After a search of the court's records, and having found no  
 24 order discharging the deceased prior Executor Aaron R. Frosch, and a  
 25 receipt having been filed in these proceedings for all assets  
 26 transferred from Marjorie M. Frosch, as Executrix of the Estate of  
 27 Aaron R. Frosch, to petitioner as successor Administratrix C.T.A.,  
 28

1 petitioner requests that Aaron R. Frosch be discharge as Executor  
2 without further account.

3 WHEREFORE, Petitioner prays for an Order of this Court as  
4 follows:

5 1. The account of proceedings be judicially settled;  
6 2. Authorizing the Petitioner to execute the Limited  
7 Liability Company Agreement attached as Exhibit 4, the Supplement  
8 thereto attached as Exhibit 5, the Assignment attached as Exhibit 6,  
9 the Certificate of Formation attached as Exhibit 7, and any and all  
10 other documents necessary to establish the limited liability company  
11 and register and/or qualify it in other jurisdictions, as the  
12 Petitioner deems appropriate;

13 3. Authorizing the Petitioner to take all other necessary  
14 steps to establish and operate the limited liability company,  
15 including registering and qualifying the limited liability company  
16 in one or more other jurisdictions, as the Petitioner deems  
17 appropriate;

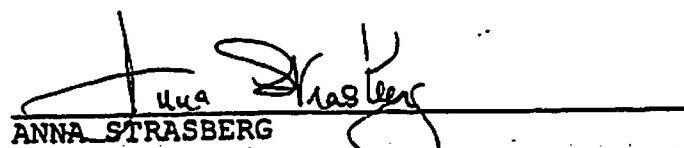
18 4. Authorizing the Petitioner to use estate assets for the  
19 purposes of establishing the limited liability company and  
20 registering and qualifying it in one or more other jurisdictions, as  
21 the Petitioner deems appropriate;

22 5. Authorizing the Petitioner to transfer all assets of the  
23 estate to the limited liability company and distribute membership  
24 interests in the limited liability company pro rata to the residuary  
25 beneficiaries as follows: 75% to Anna Strasberg, as Executor of the  
26 Estate of Lee Strasberg, and 25% to the Anna Freud Centre;

27 6. That the Order to Compel Fiduciaries to Account of June  
28 25, 1990 be vacated;

1       7. That Aaron R. Frosch be discharged as Executor;  
2       8. That these estate proceedings be closed; and  
3       9. That the persons above mentioned and all necessary and  
4 proper persons be cited to show cause why such settlement should not  
5 be had and for such other and further relief as the Court may deem  
6 just and proper.

7  
8 DATED: Oct. 18 2000

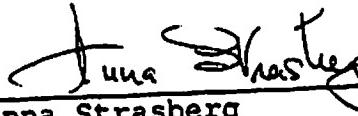
9  
10   
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ANNA STRASBERG

1 VERIFICATION  
2  
3  
4  
5

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

6 The undersigned, the petitioner named in the foregoing  
7 petition, being duly sworn, says: I have read the foregoing petition  
8 subscribed by me and know the contents thereof, and the same is true  
9 of my own knowledge, except as to the matters therein stated to be  
alleged upon information and belief, and as to those matter I  
believe it to be true.

10   
11 \_\_\_\_\_  
12 Anna Strasberg

13  
14 Sworn to before me on

15 10/18, 2000

16 Patricia Rosado

PATRICIA ROSADO  
Notary Public, State of New York  
No. 01R05014712  
Qualified in New York County  
Commission Expires July 6, 2001  
Commission Expires July 6, 2001  
Qualified in New York County  
No. 01R05014712  
Notary Public, State of New York  
PATRICIA ROSADO

17 Notary Public  
18 Commission Expires: 7/6/2001  
(Affix Notary Stamp or Seal)

19  
20 Signature of Attorney: Randy Martro

21 Print Name of Attorney: Randy Martro

22 Gibson, Dunn & Crutcher, LLP  
23 200 Park Avenue  
24 New York, New York 10166  
Telephone: (212) 351-4000

25  
26 20084469\_1.DOC